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TAGS: [KDEM](#) [PTER](#) [PREL](#) [ASEC](#) [KE](#) [SU](#) [SO](#)
SUBJECT: CODEL DREIER IN KENYA: MEETING WITH PARLIAMENTARY
COMMITTEE MEMBERS

REF: 05 NAIROBI 2964

Classified By: D/Political Counselor Lisa Peterson for reasons 1.4 (b,d
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11. (SBU) SUMMARY: CODEL Dreier met with members of the Legal Affairs and Defense and Foreign Relations Parliamentary Committees July 6 in Nairobi. The eleven members of Parliament, including Deputy Speaker of the House, David Musila, raised a number of concerns including U.S. counter-terrorism efforts, compensation for victims of the terrorist attacks in Kenya in 1998 and 2002, U.S. policy in Somalia and Sudan, visa policy, and Article 98. The MPs also revisited the Ambassador's 2005 Fourth of July remarks, popularly misinterpreted as having called for "regime change" in Kenya. CODEL Dreier is in Kenya as part of the U.S. House of Representatives Democracy Assistance Commission (HDAC) program. END SUMMARY.

TERRORISM: NOT A KENYAN PROBLEM

12. (SBU) "International terrorism is not our major concern," stated G.G. Kariuki, Chairman of the Defense and Foreign Relations Committee. As such, the MPs questioned the urgency of passing CT legislation. MP Amina Abdalla commented that the U.S. "aggressively" pushing for anti-terror laws has resulted in anger and "more potential for terrorism." MP Paul Muite, Chair of the Legal Affairs Committee, told the CODEL that personal security, not terrorism, for Kenyans, was the number one concern. He argued that the U.S. should not only support Kenya in curbing crime, the but should also adequately compensate the victims of the 1998 Embassy bombing in Nairobi and the 2002 attack in Mombasa, as well as compensate the country for lost tourism revenue. MP Mardsen Madoka differed with Muite, commenting that Kenya should have CT legislation right away, because payment would mean nothing if another attack occurred. Members of the CODEL, however, emphasized that should another terrorist attack occur in Kenya, tourism would dry up altogether.

13. (SBU) Describing the U.S. attitude toward Kenya as "arrogant," Kariuki offered as evidence the Ambassador's 2005 Fourth of July speech in which, he argued, the Ambassador said the U.S. would support anyone willing to overthrow the Kenyan government (reftel). MP Njoki Ndung'u concurred, suggesting that the speech was the start of bumpier U.S.-Kenya relations. U.S. policy had "spoiled relations" with Kenya, Muite concluded.

KENYA'S NEIGHBORHOOD

¶4. (SBU) Decrying what they perceive to be a lack of U.S. respect for Kenya and Kenyan interests in the region, the MPs questioned why Kenya was not included in the Somalia Contact Group meeting in June. They also questioned U.S. policy in Somalia more generally, saying it was fueling instability and creating insecurity in Kenya. Ndung'u argued that "U.S. support for warlords" was undermining Kenya's efforts to bring peace to its troubled neighbor, and signaled U.S. disregard for Kenyan interests. Kariuki added that U.S. foreign policy interests were not necessarily adaptable to Kenyan interests, suggesting the U.S. continues to have a Cold War view of the world.

¶5. (SBU) Representative David Price asked the committee members what further possibilities there are for the African Union in ending the humanitarian crisis in Darfur. Deputy Speaker Musila responded that Darfur "is not much of a concern." Southern Sudan is the priority for Kenya, whereas Darfur is an international matter. Muite added that while there was an ongoing humanitarian crisis in Darfur, Kenyans were also starving, so "our passion for that is exhausted." Other MPs echoed this sentiment, commenting that the U.S. should be more concerned and not simply leave crises such as Darfur to Africa. Representative Michael Capuano argued, however, that no country had contributed more than the U.S. in Sudan, around the world, and in Kenya.

VISAS, ARTICLE 98 ALSO CONCERNS

¶6. (SBU) On U.S. visa policy, the MPs told the CODEL that treatment of Kenyans was poor. Ndung'u remarked that the

"ban" on Kenyan officials traveling to the U.S. was merely punitive and imposed without due process or adequate explanation. Better treatment would result in improved responsiveness from the Government of Kenya on issues of importance to the U.S., she added. Characterizing the U.S. interest in signing an Article 98 agreement with Kenya as trying to create exemptions, the MPs asked the CODEL why the U.S. felt it could write its own rules. They added that cutting defense support was unfair given how supportive Kenya has been of U.S. military operations in the region.

LIVELY EXCHANGE

¶7. (SBU) The CODEL appreciated the frank exchange of views, emphasizing the strong, historical relationship between the U.S. and Kenya. Representative Dreier explained that disagreement leading to productive dialogue was a healthy sign of democratic government, noting that the U.S. and Kenya have a great deal in common despite the differences highlighted. He added that terrorism is an attack on all democracies, and that although personal security may be a priority for Kenyans, crime and terrorism are linked. The CODEL also appreciated that the MPs highlighted the Ambassador's Fourth of July speech, noting that it was unacceptable for a State Department official to call for the overthrow of a democratically elected government. If such a statement had been made, there were mechanisms in U.S. law for holding individuals accountable. Representative Donald Payne commented that it appeared ill-conceived for the Department not to invite Kenya to a meeting on Somalia, particularly when other countries in the region were included. Representative David Schiff noted that there is no tradition of forcing victims of a crime to compensate other victims; the responsibility lies with the perpetrator, which the U.S. was not, in the case of the 1998 Embassy bombing. He also stated that the U.S. could probably do a better job of understanding Kenya's priorities.

¶8. (C) COMMENT: Only a wildly imaginative reading of the Ambassador's 2005 Fourth of July remarks could yield a "regime change" interpretation. Nonetheless, it is this misreading that has gained currency among Kenyan politicians, and remains for them a landmark when discussing perceived

U.S. slights. The Ambassador's speech is available on the Embassy's public website and we have provided copies to the visiting delegation. The meeting was an airing of every popular misconception of U.S. policy in Kenya and the region, issues on which we have, and continue to, engage our Kenyan interlocutors. END COMMENT.

19. (U) CODEL Dreier has not cleared this message.
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